

1 Honorable Samuel J. Steiner  
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6 IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

8 In re: ) Chapter 7  
9 ) Bankruptcy No. 08-18371  
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ADAM GREENHALGH, )  
Debtor(s). )  
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BANKRUPTCY ESTATE OF ADAM )  
GREENHALGH, by and through Edmund J. )  
Wood, Bankruptcy Trustee, )  
Plaintiff, )  
v. )  
BANK OF NEW YORK MELLON, N.A., )  
f/k/a Bank of New York, as trustee for the )  
certificate holders CWAT, Inc., Alternative )  
Loan Trust 2006-0C1 Mortgage Pass Through )  
Certificates, Series 2006-0C1; BAC HOME )  
LOAN SERVICING LP, f/k/a Countrywide )  
Home Loan Servicing LP; VIKING BANK, )  
N.A.; WELLS FARGO BANK, N.A.; KEY )  
BANK, N.A.; GEORGE GRANT ROANE IV )  
and JANE DOE ROANE, husband and wife; )  
BARBARA PEARSON and JOHN DOE )  
PEARSON, wife and husband; and ADAM )  
GREENHALGH, )  
Defendants. )  
\_\_\_\_\_  
COMPLAINT TO DETERMINE  
EXTENT AND VALIDITY OF LIENS

COMES NOW the trustee, Edmund J. Wood, through counsel The Rigby Law Firm, and  
Rory C. Livesey, and states and alleges as follows:

1           1. The plaintiff is the duly qualified and acting trustee of the estate of the above-named  
2 debtor with, among other statutory and common law powers, the status of a lien creditor and a  
3 successor in interest under 11 U.S.C. § 544.

4           2. This adversary proceeding is one arising in a Chapter 7 case of the named debtor now  
5 pending in this court. This court has jurisdiction over this adversary proceeding pursuant to 28  
6 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(K).

7           3. Defendant Adam Greenhalgh filed Bankruptcy No. 08-18371 on December 4, 2008.

8           4. Pursuant to an order of the bankruptcy court entered on December 18, 2009, in Case  
9 No. 08-18371, the plaintiff had the authority to sell the real property located at 3004 S. Norman  
10 Street, Seattle, Washington, free and clear of liens and encumbrances.

11           5. The plaintiff closed the sale and, after paying costs of sale and outstanding property  
12 taxes, the net proceeds totaled \$315,211.42, plus accruing interest (“the Proceeds”).

13           6. Defendant Bank of New York Mellon, N.A., f/k/a Bank of New York (“NYM”), is  
14 trustee for the certificate holders CWAT, Inc., Alternative Loan Trust 2006-0C1 Mortgage Pass  
15 Through Certificates, Series 2006-0C1, an alleged successor in interest for that instrument recorded  
16 in King County, Washington, under recording number 20051028003310 recorded on October 24,  
17 2005, and claims an interest in the Proceeds.

18           7. Defendant BAC Home Loan Servicing, L.P., f/k/a Countrywide Home Loan  
19 Servicing, L.P., is alleged to be the loan servicer for NYM.

20           8. Defendant Viking Bank, N.A. is alleged to be either the owner of an obligation with  
21 a claim to the Proceeds or the servicer for a party with a claim to the Proceeds.

22           9. Defendant Wells Fargo Bank, N.A., pursuant to King County Recording No.  
23 20060120001318 filed on December 13, 2005, claims an interest in the Proceeds.

24           10. Defendant Key Bank, N.A. obtained two judgments against the debtor on December  
25 5, 2008, after the filing of the bankruptcy petition, and claims an interest in the Proceeds.

1           11. Defendants George Grant Roane IV and Jane Doe Roane are husband and wife, and  
2 constitute a marital community, the actions of either were done for the benefit of the community and,  
3 pursuant to the document recorded in King County under 20090622001649 recorded on June 22,  
4 2009, after the filing of the bankruptcy petition, claims an interest in the Proceeds.

5           12. Defendants Barbara Pearson and John Doe Pearson are wife and husband and  
6 constitute a marital community, the actions of either were done for the benefit of the community and,  
7 pursuant to that King County Recording No. 20081217001377 recorded on December 17, 2008, after  
8 the filing of the bankruptcy petition, claim an interest in the Proceeds.

9           13. Adam Greenhalgh is the debtor in Case No. 08-18371 and claims an interest in the  
10 Proceeds as a homestead pursuant to that King County document recorded under No.  
11 20090928000700, and the amended Schedule C filed in his bankruptcy, the plaintiff's objection to  
12 which is incorporated herein by this reference.

13           WHEREFORE, the trustee prays for an order as follows:

- 14           a) determining the validity of defendants' liens;
- 15           b) determining the amount and priority of defendants' liens;
- 16           c) declaring that the defendants' liens do not attach to the property of the estate;
- 17           d) for an award of plaintiff's fees and costs pursuant to 11 U.S.C. § 506(c); and,
- 18           e) for such further and equitable relief as the court deems just in this case.

19           DATED this 10<sup>th</sup> day of February, 2010.

20           THE RIGBY LAW FIRM

21           /S/ *Rory C. Livesey*

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23           Rory C. Livesey, WSBA #17601  
24           Of Attorneys for Plaintiff/Trustee